CRL W.P. No. 808 of 2007

Present: Mr.Manohar Dadwal, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

Mr.Onkar Singh, Advocate.

***

With the good efforts of S.S.P.Hoshiarpur, the detenue, a lady, has been recovered and is present in the Court. It is brought to my notice that the detenue has been recovered from a place on the border of States of Punjab and Himachal. At that time, her parents were also present with her. I have spoken to the lady concerned. She has categorically conceded before the Court that she was taken at that place, from where she is recovered, by her parents. On 24.8.2007, statement was made on behalf of father of the detenue to the effect that the girl had been taken away forcibly by the petitioner and his family. It is in this background, the directions were issued to the police to trace the girl and produce her before the Court. Obviously, father of the detenue has made a false and misleading statement before the Court, which has led to the consequences as followed. It is, thus, seen that he has made an attempt to mislead the Court for which he cannot be excused . Let notice issue to Umardeen, father of the detenue, who is present in the Court, to show cause as to why proceedings for contempt of Court be not initiated against him for misleading the Court and for making a wrong statement. Notice be served to him today through the counsel.

Adjourned to 10.10.2007 for filing reply by Umardeen,

father of the detenue.

Otherwise, it is pointed out before me that the parties have settled this issue and the alleged detenue has now decided to go with one Roshan, to whom she was earlier married. The present Habeas Corpus petition is, accordingly, rendered infructuous and is disposed of. However, the case would be taken up for further proceedings in response to notice issued to Umardeen, father of the detenue.

The Court would wish to express appreciation for the duty well perfomed by SSP Hoshiarpur.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 44543 of 2007

Present: Mr.R.K.Handa, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

On request of counsel for the petitioners, adjourned to 10.9.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 63182 of 2006

Present: Mr.U.K.Agnihotri, Advocate,
for the petitioner.

Mr.S.K.Hooda, Sr.DAG, Haryana.

***

Mr. Hooda says that before Har Kishan could be contacted, he was made to run away from the village. This fact can be confirmed from a lady, Premo, who is present in the Court. She says that Har Kishan was present in the village and had ran away before the arrival of the police. Efforts be made to bring Har Kishan on the adjourned date.

Adjourned to 4.10.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No. 14884 -M of 2007

Present: Mr.Amit Singla, Advocate,
for the petitioner.

Mr.S.K.Hooda, Sr.DAG, Haryana.

***

On request, adjourned to 26.9.2007.

Interim order to continue.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRR No. 259 of 2007

Present: Mr.Rishi Kaushal, Advocate,
for the petitioners.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

Counsel for the petitioners says that one of the petitioners perhaps is not more. Seeks time to have proper instructions.

On request, adjourned to 13.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 41872 of 2007

Present: Mr.Jaswant Singh, petitioner in person.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

Mr. Berry says that two gunmen have been provided to the petitioner as per directions issued by this Court. Seeks time to file reply. Let this arrangement continue till next date of hearing.

Adjourned to 13.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.72763 of 2007 in
CRA No. 15-SB of 2006

Present: Mr.Parminder Singh, Advocate,
for the applicant-appellant.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

Mr.Berry seeks time to verify the custody period undergone by the applicant-appellant.

Adjourned to 12.9.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.79224 of 2007 in
CRA No. 135-SB of 2006

Present: Mr.H.S.Rakhra, Advocate,
for the applicant-appellant.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

Mr.Berry seeks time to verify the custody period undergone by the applicant-appellant.

Adjourned to 12.9.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 50332 of 2002

M/s P.K.Sales Corporation and another

vs.

State of Punjab and another

Present: Mr. B.S.Bhalla, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

The issue raised in the present petition now stand decided against the petitioner by the Hon'ble Supreme Court in order passed in SLP/Civil Appeal No.1465 of 2002, annexed with the record.

Present petition is, as such, dismissed.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No. 80170 of 2007 in
CRA No. 287-SB of 2007

Present: Ms.Ashima Mor, Advocate,
for the applicant-appellant.

***

On request, adjourned to 6.9.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 26655 of 2007

Present: Mr.Samual Gill, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

On request, adjourned to 13.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 22837 of 2007

Present: Mr.Lokesh Sinhal, Advocate,
for the petitioner.

Mr.S.K.Hooda, Sr.DAG, Haryana.

***

Mr. Sinhal seeks time to file additional affidavit.

Adjourned to 13.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRR No. 2391 of 2006 (O&M)

Present: Mr.D.S.Brar, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

On request, adjourned to 13.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 77246 of 2006

Present: None for the petitioner.

Mr.S.K.Hooda, Sr.DAG, Haryana.

***

On written request, adjourned to 13.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No. 9192 of 2007 in
CRM No. 52866 -M of 2006

Present: Mr.R.C.Dogra, Sr.Advocate with
Mr. N.C.Doabia, Advocate.
for the petitioner.

Mr.Arvind Moudgil, Advocate.

***

Two prayers have been made in this petition. One is for adding of an offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act 1989. Further prayer is made that the case be transferred for investigation to CBI. It is also stated that even FIR has not been registered in this case.

It has recently been held by the Hon'ble Supreme Court in the case of **Aleque Padamsee and other vs. Union of India and others, 2007(3) Law Hearald (SC) 2269,** that where the police officials failed to register the FIR, even though of a cognizable offence, the modalities which are to be adopted by a person are available under Section 190 read with Section 200 of the Cr.PC. No case for issuance of directions is otherwise, made out. The petitioner, if so desires, may adopt the course as held by the Hon'ble Supreme Court. No case for issuance of directions, otherwise, is made out.

Dismissed.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 42605 of 2007

Present: None for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

Reply is not filed.

Adjourned to 13.11.2007.

Reply be filed in the meanwhile.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.30992 of 2007 in
CRR No. 758 of 2001

Present: Mr.A.P.Kaushal, Advocate,
for the petitioner.

Mr.Tejinder Pal, Advocate.

***

Present application is filed for converting the revision into leave to appeal.

Notice of this application for 13.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 9474 of 2007

Present: Mr.U.K.Agnihotri, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

Though the parties have reached a compromise but reply has not been filed.

Adjourned to 13.11.2007.

Reply be filed in the meanwhil.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 9419 of 2007

Present: None for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

Mr.Manish, Advocate for respondent No.2

***

Counsel for respondent No.2 seeks time to file reply.

Adjourned to 13.11.2007. This would be the last opportunity.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No. 4528 of 2007 in
CRM No. 70282-M of 2006

Present: Mr.Ram Bilas Gupta, Advocate,
for the petitioners.

Ms.Supriya Arora, Advocate.

***

Counsel for respondent seeks time to file reply.

Adjourned to 31.10.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 77844 of 2006

Present: None.

***

On written request, adjourned to 15.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 61964 of 2007

Present: Mr.M.S.Bedi, Advocate,
for the petitioner.

Mr.I.K.Mehta, Sr.Advocate with
Ms.Shashi Mehta, Advocate.

Mr.S.K.Hooda, Sr.DAG, Haryana.

***

Counsel for the petitioner seeks time to file some more documents.

Adjourned to 15.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 29526 of 2007

Present: None

***

On written request, adjourned to 15.11.2007.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 4567 of 2005

Present: Mr.Baljinder Singh, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

Reply is still not filed by the private respondent.

Admitted.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 72400 of 2007 in
CRA No.816-SB of 2005

Present: Mr.M.C.Berry, Sr.DAG, Punjab.

***

As per office report, Ms.Seema Narang has been informed about the adjourned date. But today, no one has come present.

Adjourned to 3.10.2007.

Ms.Seema Narang may again be informed about the adjourned date.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 420 of 2007 and
Crl.W.P. No. 905 of 2006

Present: None for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

Adjourned to _____.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 423 of 2007 in
Crl.W.P. No. 908 of 2006

Present: Mr.M.C.Berry, Sr.DAG, Punjab.

***

Pursuant to the order dated 17.8.2007, Additional DGP Punjab is present in the Court. Mr. Berry says that some modalities have now been worked out to ensure that the instructions, which have been issued, are properly complied with. Let him file response of the responsible officer in this regard.

Adjourned to_____.

The officer need not to be present on the adjourned date.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.32324 of 2007 in
CRA No. 682-SB of 2006

Present: Mr.M.K.Garg, Advocate,
for the applicant-appellant.

Mr.M.C.Berry, Sr.DAG, Punjab.

***

The case of the applicant-appellant is not covered by the ratio of **Daler Singh vs. State of Punjab 2007 (1) RCR (Crl.)316.**

Dismissed as not pressed at this stage.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 58896 of 2007

Malha Ram vs. Usha Rani

Present: Mr.Rahul Vats, Advocate,
for the petitioner.

Mr.Gorakh Nath, Advocate.

***

The main objection raised in the present petition is that the amount of maintenance, now awarded, is highly excessive. The amount has been increased from Rs.500/- to Rs.2,500/-. There appears to be some justification in the plea raised by counsel for the petitioner. Considering the nature of pleadings, the amount of maintenance is reduced to Rs.1,500/- per month during the pendency of the appeal.

The present petition is disposed of.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No.-M 424 of 2007 in
Crl.W.P. No. 911 of 2006

Present: Mr.M.C.Berry, Sr.DAG, Punjab.

***

Pursuant to the order dated 17.8.2007, Additional DGP Punjab is present in the Court. Mr. Berry says that some modalities have now been worked out to ensure that the instructions, which have been issued, are properly complied with. Let him file response of the responsible officer in this regard.

Adjourned to_____.

The officer need not to be present on the adjourned date.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita

CRM No. 8742 -M of 2007

Harpreet Singh and others vs. State of Haryana and another

Present: Mr.N.L.Sammi, Advocate,
for the petitioners.

Mr.S.K.Hooda, Sr.DAG, Haryana.

Mr.S.S.Dinarpur, Advocate.

***

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of the FIR dated 7.11.2001, registered against them under Sections 498-A / 406 and 34 IPC.

This FIR was registered at the instance of respondent No.2 Smt. Daljeet Kaur, who is wife of petitioner No.1. Copy of the compromise is annexed with the petition as Annexure P-2. The counsel appearing for respondent No.2 has disclosed in the reply that the compromise, on the basis of which the quashing is sought, has not been materialised. It is stated to be a paper transaction only. It is further stated that the petitioners have succeeded in getting the compromise signed by playing fraud upon respondent No.2 and she has been withdrawn from the said compromise. It is further disclosed that she never made a statement before the Court where the proceedings under Section 13-B of the Hindu Marriage Act were pending. The said petition statedly was also dismissed. Thus, accordingly, pleaded that there is no compromise. Hence the present FIR cannot be ordered to be quashed on the basis of compromise (Annexure P-2).

Faced with this situation, learned counsel for the

petitioners has referred to the judgments of the Hon'ble Supreme Court in **Mohd. Shamim v. Smt. Nahid Begum,(SC) 2005 AIR 757 and Ruchi Agarwal vs. Amit Kumar Agarwal, 2005(3) SCC 299**. In both the cases, the Hon'ble Supreme Court took a view that where the wife had acted on the part of a compromise and had not withdrawn the criminal proceedings subsequent thereto, then it would amount to abuse of process of court. That does not appear to be a situation in the present case. The wife apparently has not taken any advantage of the compromise. She has, at very beginning, resiled from this compromise due to alleged fraud. Learned Counsel has also drawn my attention to the fact that the respondent wife had made a statement before the matrimonial Court that she had received all dowry articles. The statement, allegedly made, would be of no avail to the petitioners as the petition under Section 13-B of the Hindu Marriage Act has already been dismissed. Even taking note of that stage, the impugned FIR cannot be ordered to be quashed on the basis of compromise.

The present is accordingly dismissed.

(RANJIT SINGH)
JUDGE

August 31, 2007
anita